

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Crim. No. 15-260(1) (PAM/TNL)

Plaintiff,

v.

**ORDER**

Jesse Howard Garcia,

Defendant.

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This matter is before the Court on Defendant Jesse Howard Garcia's Motion to Receive Specified Court Documents Reproduced at Government's Expense. (Docket No. 1283.) Garcia requests that the Clerk of Court provide him copies of the sentencing transcripts and docket sheet, yet he provides no reason for his request.

A criminal defendant is not automatically entitled to free copies of transcripts or other materials for use in postconviction proceedings. Rather, after a defendant has been granted leave to appeal in forma pauperis, 28 U.S.C. § 753(f) provides that "an indigent defendant is entitled to have the government pay the fees for a copy of his transcript in a § 2255 proceeding only if he demonstrates that his suit is not frivolous and that the transcript is needed to decide the issue presented by the suit." Sistrunk v. United States, 992 F.2d 258, 259 (10th Cir. 1993); see also United States v. Losing, 601 F.2d 351, 353 (8th Cir. 1979) (concluding that a prisoner may receive free copies of transcripts and other records "only after judicial certification that they are required to decide the issues presented by a non-frivolous pending case").

Nothing in the record indicates that Garcia is appealing his conviction or sentence, and he has identified no specific need for the transcripts or docket sheet. Thus, the Court cannot determine that his purposes are not frivolous. See United States v. Williams, Crim. No. 04-251(1), 2009 WL 2766902, at \*1 (D. Minn. Aug. 27, 2009) (Montgomery, J.) (“[I]t clearly appears that Defendant is seeking free transcripts and other materials simply to peruse them, with the hope of finding something that might somehow support a collateral challenge to his conviction or sentence. However, transcripts and related materials will not be provided free of charge for such purposes.”).

Accordingly, Garcia’s Motion (Docket No. 1283) is **DENIED**.

Dated: January 27, 2025

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge